

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

DEC 12 2005

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,

Defendants.

MATTHEW J. DYKMAN  
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Rio Brazos, Section 7

**Subfile No.: CHRB-007-0062**

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

ESTATE OF NICOLAS MARTINEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama

Stream System, Rio Brazos, Section 7, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** Surface water of the Rio Brazos, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** PARKVIEW DITCH

**Location:** X= 1,571,054 feet Y= 2,087,568 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant 0.8 acres

Total 0.8 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRB-007-0062

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** Surface water of the Rio Brazos, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** PARKVIEW DITCH

**Location:** X= 1,571,054 feet Y= 2,087,568 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Within the Tierra Amarilla Grant 0.8 acres

Total 0.8 acres


As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRB-007-0062

**Amount of Water:** NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

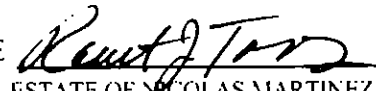
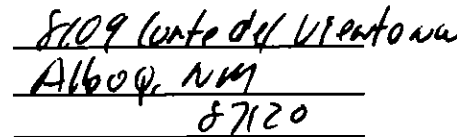

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

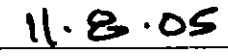
  
UNITED STATES DISTRICT JUDGE

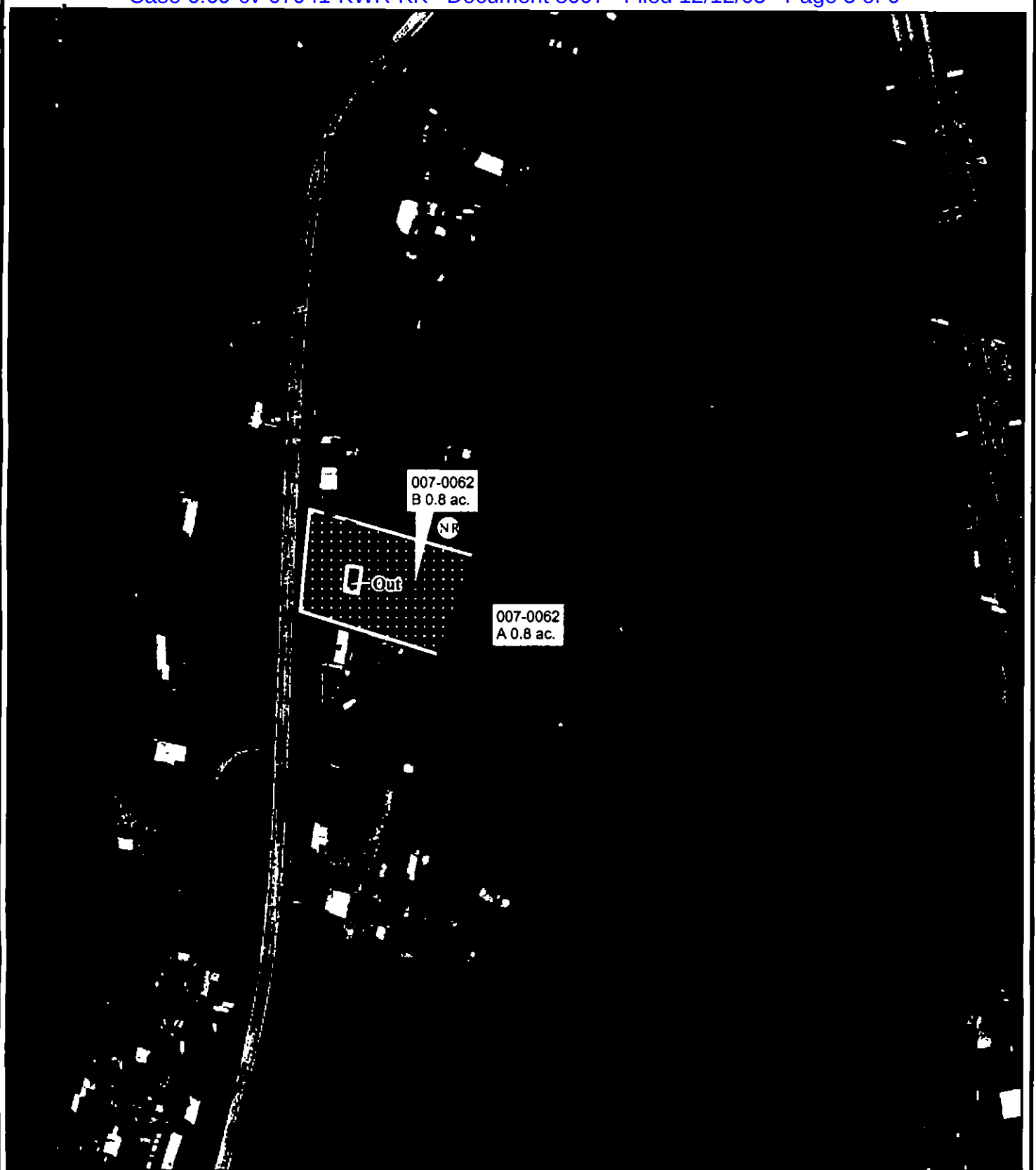
Recommended for approval:

  
SPECIAL MASTER

SIGNATURE   
ESTATE OF NICOLAS MARTINEZ  
ADDRESS:   
DATE: 

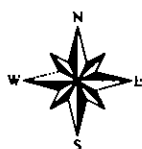
  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

  
Date



**LEGEND**

- |                          |                    |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary  | Well               |
| Seeped Area              | Spring             |
| Operable Ditch           | Fallow             |
| Inoperable Ditch         | No Right           |
| Stock Ponds / Reservoir  |                    |



1 inch = 200 feet  
 0 50 100 200  
 Feet

STATE OF NEW MEXICO  
 Office of the State Engineer  
 John R. D'Antonio, Jr., P.E.,  
 State Engineer

Rio Chama Hydrographic Survey  
 Rio Brazos Section

Subfile Number  
**CHRB 007-0062**  
 Parkview Ditch  
 AMENDED  
 February 4, 2005



PROBATE COURT FORMS  
4B-106

Supreme Court Approved  
June 22, 2000

4B-106

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
RIO ARriba COUNTY

**RECEIVED AND FILED**

PROBATE CLERK'S OFFICE  
TIERRA AMARILLA, N.M.

*M. E. Rode* DATE 11.4.05  
**Probate Clerk**

IN THE MATTER OF THE ESTATE OF  
**Ascención Torrez, DECEASED.**

No. 1428

**LETTERS OF ADMINISTRATION  
(NO WILL)<sup>1</sup>**

TO WHOM IT MAY CONCERN:

Notice is now given that **Robert J. Torrez** has been appointed to serve as the personal representative of the estate of **Ascención Torrez**, and has qualified as the decedent's personal representative by filing with the court a statement of acceptance of the duties of that office.

The personal representative has all of the powers and authorities provided by law and specifically, by Section 45-3-715 NMSA 1978.

Issued this 4<sup>th</sup> day of November, 2005.

Clerk of the Probate Court

(Seal)

**USE NOTE**

1. See Section 45-3-103 NMSA 1978 and Section 45-3-601 NMSA 1978  
for issuance of letters.

[Approved, effective September 15, 2000.]